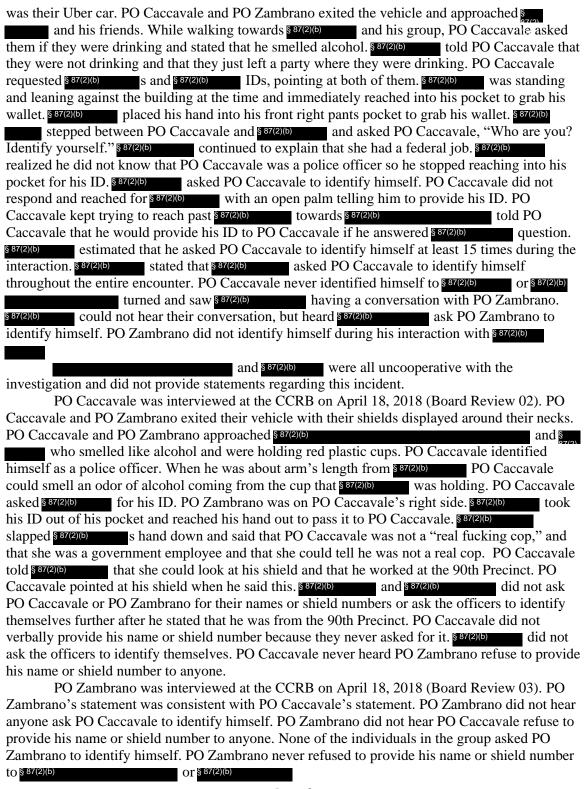
## CCRB INVESTIGATIVE RECOMMENDATION

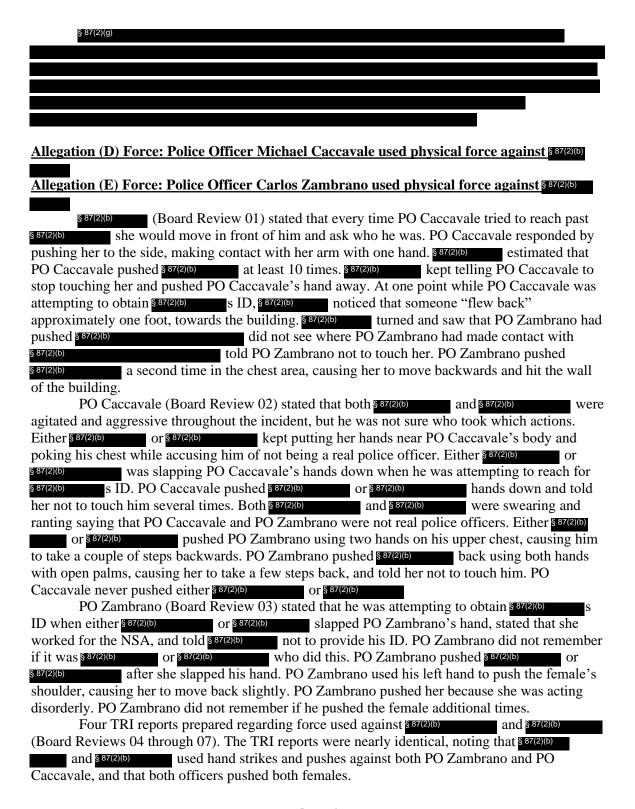
Investigator:		Team:	CCRB Case #:	$\overline{\mathbf{A}}$	Force		Discourt.	U.S.
William MacLure		Squad #6	201710040	<b>V</b>	Abuse		O.L.	✓ Injury
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	EO SOL
Saturday, 03/25/2017 2:32 AM		§ 87(2)(b)			90	9/	/25/2018	9/25/2018
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CCI	RB
Fri, 12/01/2017 4:15 PM		CCRB	On-line website		Fri, 12/01/	2017	4:15 PM	
Complainant/Victim	Туре	Home Addre	ess					
Witness(es)		Home Addre	Dec					
Withess(cs)		Home Addre						
Subject Officer(s)	Shield	TaxID	Command					
1. POM Michael Caccavale	06100	948728	090 DET					
2. POM Carlos Zambrano	26943	939814	090 PCT					
Officer(s)	Allegatio	n			Inve	stiga	tor Recon	nmendation
A.POM Michael Caccavale		olice Officer Michael C or shield number to §87		orov	ide			
B.POM Michael Caccavale		olice Officer Michael C or shield number to §87		orov	ide			
C.POM Carlos Zambrano	Abuse: Po	olice Officer Carlos Zar or shield number to \$87	mbrano refused to pro(2)(b)	ovid	e			
D.POM Michael Caccavale	Force: Po against § 8	lice Officer Michael Ca 7(2)(b)	accavale used physic	al fo	rce			
E.POM Carlos Zambrano	Force: Po against § 8	lice Officer Carlos Zan 7(2)(b)	nbrano used physical	forc	ce			
F.POM Michael Caccavale	Force: Po against § 8	lice Officer Michael Ca 7(2)(b)	accavale used physic	al fo	rce			
G.POM Michael Caccavale	Force: Po against a	lice Officer Michael Ca vehicle.	accavale hit § 87(2)(b)					
H.POM Michael Caccavale	Force: Po against § 8	lice Officer Michael Ca 7(2)(b)	accavale used a chok	ehol	d			
I.POM Michael Caccavale		lice Officer Michael Cabreathing.	accavale restricted [5 8	7(2)				

## **Case Summary**

On December 1, 2017, § 87(2)(b) filed this complaint with the CCRB online.
On March 25, 2017, at approximately 2:32 a.m., §87(2)(b) was standing outside §7.
in Brooklyn, with \$87(2)(b) and \$87(2)(b) waiting for a
in Brooklyn, with \$87(2)(b) and \$87(2)(b) waiting for a rideshare vehicle. \$87(2)(b) and \$87(2)(b) were holding opaque plastic cups at the time. PO
Michael Caccavale and PO Carlos Zambrano of the 90 <sup>th</sup> Precinct exited an unmarked police
vehicle and approached \$87(2)(b) and aksed if they were drinking. PO Caccavale asked \$87(2)(b) for his ID. \$87(2)(b) stood between PO
Caccavale and \$87(2)(b) and asked PO Caccavale who he was and for him to identify himself.
and asked PO Caccavale to identify himself. PO Caccavale did not provide his name or
shield and continued asking \$87(2)(6) for his ID (Allegations A and B: Abuse of Authority,  887(2)(6) asked PO Zambrano to identify himself and he did not
respond (Allegation C: Abuse of Authority, \$87(2)(9)  ). PO Caccavale attempted to
reach around \$87(2)(b) multiple times to retrieve \$87(2)(b) s ID. Each time, \$87(2)(b)
moved in front of PO Caccavale to prevent him from retrieving \$87(2)(b) s ID. PO Caccavale
pushed \$87(2)(b) to the side (Allegation D: Force, \$87(2)(9)). PO Zambrano pushed
causing her to move backwards (Allegation E: Force, \$87(2)(9)
walked over and stood between PO Zambrano and \$87(2)(b) PO Caccavale
grabbed \$87(2)(b) s neck and shoulder and pulled, attempting to bring him to the ground
(Allegation F: Force, §87(2)(9)). PO Caccavale lifted §87(2)(b) off the ground, and charged
towards the street, striking §87(2)(b) against a vehicle (Allegation G: Force,
). PO Caccavale and \$87(2)(0) fell to the ground. PO Caccavale placed his
right knee onto \$87(2)(b) throat and his left foot onto \$87(2)(b) s abdomen, restricting his
breathing (Allegations H and I: Force, \$87(2)(9) ). \$87(2)(b) and
were all placed under arrest and transported to the 90 <sup>th</sup> Precinct stationhouse.
requested medical attention and was transported to §87(2)(b)
There was no video footage of this incident because \$87(2)(b) filed this complaint over
eight months after the date of incident.
Findings and Recommendations
<del><u></u></del>
Allegation (A) Abuse of Authority: Police Officer Michael Caccavale refused to provide his
name or shield number to § 87(2)(b)
Allegation (B) Abuse of Authority: Police Officer Michael Caccavale refused to provide his
name or shield number to \$87(2)(b)
Allegation (C) Abuse of Authority: Police Officer Carlos Zambrano refused to provide his
name or shield number to \$87(2)(b)
was interviewed at the CCRB on January 19, 2018 (Board Review 01). At
approximately 2:32 a.m., \$87(2)(b) and \$87(2)(b) were
waiting outside \$87(2)(b) in Brooklyn, for an Uber vehicle to pick them up. \$87(2)(b)
know what was in \$87(2)(b) cup. \$87(2)(b) initially stated that \$87(2)(b) had a bottle of
something, but later stated he did not recall if \$87(2)(b) had a bottle. \$87(2)(b) denied that
anyone was drinking while they were waiting outside the building. Approximately two minutes
after they exited the building, PO Caccavale and PO Zambrano pulled up in front of the location
in an unmarked police vehicle. §87(2)(b) ran to the curb and waved at the vehicle, thinking it
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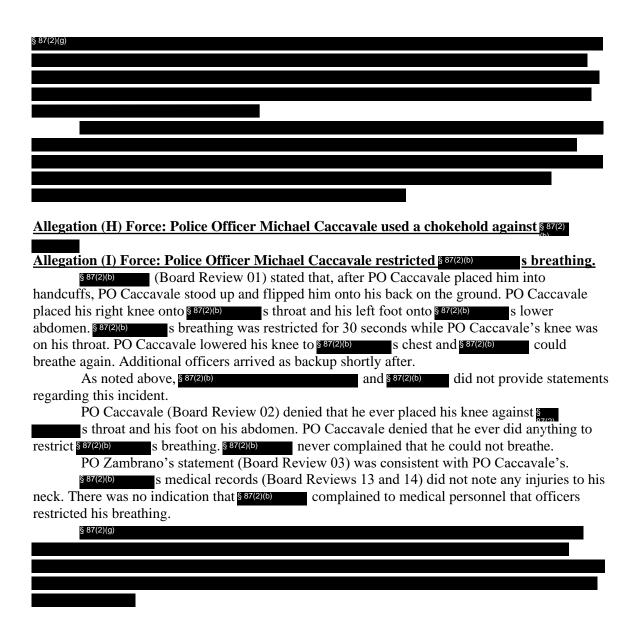
The Investigating Supervisor's Assessment Report (Board Review 08) noted that a female got into a "dispute/shoving match" with the officers, but did not specify whom.

The reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force, <u>Patrol Guide</u> Procedure 221-01, "Force Guidelines" (Board Review 09).

Officers should apply no more than the reasonable force necessary to gain control, Patrol Guide Procedure 221-02, "Use of Force" (Board Review 10). Allegation (F) Force: Police Officer Michael Caccavale used physical force against [3572] Allegation (G) Force: Police Officer Michael Caccavale hit \$27(2)(5) against a vehicle. (Board Review 01) got upset after PO Zambrano pushed §87(2)(b) walked between PO Zambrano and \$87(2)(b) and put his hand up in a stop motion in front of PO Zambrano. § 87(2)(b) was close to PO Zambrano, but denied that he made contact with PO Zambrano. Suddenly, PO Caccavale grabbed (\$97(2)(b) s shoulder and neck from behind and started pulling him towards the middle of the sidewalk. §87(2)(b) initially realize it was PO Caccavale, so he "stood his ground" and planted his feet on the ground. turned around and stood face to face with PO Caccavale. §87(2)(b) asked PO Caccavale, "What are you doing? You're not stronger than me." PO Caccavale became upset and said, "Oh yeah?" PO Caccavale then attempted to trip \$87(2)(b) by sweeping his right foot behind \$87(2)(b) s legs and pushed \$87(2)(b) down, making contact with his shoulder and torso. \$ 87(2)(b) stepped over PO Caccavale's foot, preventing PO Caccavale from bringing him to the ground. PO Caccavale bent down and grabbed both of § 87(2)(b) s legs behind his knees with one arm. PO Caccavale "charged" \$87(2)(6) lifting him off the ground and running towards the street. § 97(2)(b) bent over PO Caccavale's back and clenched to prepare for s back and side hit a parked car, near the back door of the vehicle. PO Caccavale and PO Caccavale both rolled over and fell into the street between two parked cars. PO Caccavale flipped §87(2)(b) from his back onto his stomach and placed him into handcuffs. PO Caccavale (Board Review 02) stated that, after PO Zambrano pushed either \$87(2)(6) grabbed PO Zambrano's shoulder. PO Caccavale grabbed s upper body and turned him around. PO Caccavale told 887(2)(b) to stop and put his hands behind his back because he was under arrest. § 37(2)(b) told PO Caccavale that he was not big or strong enough. PO Caccavale attempted to put \$87(2)(b) shands behind his

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back. §87(2)(b) tightened up and refused to put his hands behind his back. PO Caccavale
moved his body down and put his arms around \$87(2)(b) s mid-section to get leverage. PO
Caccavale pushed and ran with \$87(2)(b) to take him off balance. They moved from the
sidewalk and went to the ground between two parked cars in the street, landing on the pavement.
landed on his stomach and PO Caccavale landed partially on top of him. PO
Caccavale handcuffed \$87(2)(b) within five to ten seconds. PO Caccavale did not remember
making any contact with a parked vehicle before going to the ground. PO Caccavale never
slammed § 87(2)(b) against a parked vehicle before going to the ground.
PO Zambrano (Board Review 03) stated that [\$87(2)(b)] grabbed his jacket or sweater
after PO Zambrano pushed either \$87(2)(b) or \$87(2)(b) told PO
Zambrano, "You don't fucking touch her. You're not stronger than me." PO Caccavale came to
where PO Zambrano and \$87(2)(b) were positioned. PO Zambrano grabbed \$87(2)(b) s right
arm and PO Caccavale grabbed \$87(2)(b) s left arm. PO Zambrano and PO Caccavale
attempted to handcuff §87(2)(b) but §87(2)(b) resisted by flexing his arms and moving them
in front of his body. § 87(2)(b) told the officers, "You're not fucking strong enough, you can't
take me down." \$87(2)(b) PO Zambrano, and PO Caccavale all fell to the ground on the
sidewalk as a result of a strggle to place \$87(2)(b) into handcuffs. PO Zambrano and PO
Caccavale did not do anything aside from try to place §87(2)(b) s arms behind his back and
overcome his resistance. \$87(2)(5) did not do anything aside from flex his arms and move them
in front of his body. PO Zambrano did not think that he, PO Caccavale, and \$87(2)(b) fell due
to actions taken by any individual, but that they simply lost their balance. PO Zambrano landed
on his right side on the ground. [887(2)(b) landed on top of PO Zambrano. PO Caccavale was
on the ground next to PO Zambrano and \$87(2)(b) On the ground, PO Zambrano and PO
Caccavale placed \$87(2)(b) shands behind his back and handcuffed him. PO Zambrano never
saw PO Caccavale strike \$87(2)(b) against a vehicle or use the a vehicle to cause injury during
the struggle.
TRI reports prepared by PO Caccavale and PO Zambrano (Board Reviews 11 and 12)
noted that \$87(2)(b) used hand strikes, wrestling/grappling, and pushing and shoving against
PO Caccavale, and used hand strikes and pushing/shoving against PO Zambrano. The reports
indicated that PO Caccavale and PO Zambrano used a forcible takedown to overcome active
resistance and in defense of themselves.  § 87(2)(b) s medical records (Board Reviews 13 and 14) noted that § 87(2)(b)
complained of pain to his right side after being tackled by officers. § 87(2)(b) had minor
bruising and no other visible injuries.
The reasonableness of the use of force is based upon the totality of the circumstances
known by the MOS at the time of the use of force, <u>Patrol Guide</u> Procedure 221-01, "Force
Guidelines" (Board Review 09).
Officers should apply no more than the reasonable force necessary to gain control, <u>Patrol</u>
Guide Procedure 221-02, "Use of Force" (Board Review 10).
§ 87(2)(9)
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## Civilian and Officer CCRB Histories

- This was \$87(2)(b) s first complaint at the CCRB (Board Review 15).
- This was \$87(2)(b) first complaint at the CCRB (Board Review 16).
- This was \$87(2)(b) first complaint at the CCRB (Board Review 17).
- PO Caccavale has 14 allegations stemming from six complaints at the CCRB over his eight year tenure with the NYPD. None of the allegations were substantiated.
  - O PO Caccavale had five previous allegations of physical force in CCRB case numbers 201304936, 201311668, 201402178, 201500402, and 201700219, none of which were substantiated.
- PO Zambrano has eight allegations stemming from five complaints over his 12 year tenure with the NYPD. None of the allegations were substantiated.
  - In CCRB case number 200905922, an allegation of physical force was exonerated.

## **Mediation, Civil and Criminal Histories**

	<ul> <li>This case was not eligible for mediation because arrests were made and no desk appearance tickets were issued.</li> </ul>								
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Squad No.:									
Investigator:	Signature	Print Title & Name	Date						
Squad Leader:	Signature	Print Title & Name	Date						
Reviewer:									

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Print Title & Name Date

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